

REMARKS

The foregoing amendments and the following remarks are responsive to the February 28, 2007, final *Office Action*. Claims 1-14, 16-19, 52, 53, and 55-95 were considered and rejected by the Examiner. Applicants are filing a Request for Continued Examination herewith and request the Examiner to consider the above listed amended claim set in light of the following remarks:

Response to Judicially Created Obviousness-Type Double Patenting

In paragraph 8 of the *Office Action*, the Examiner rejected Claims 1, 4, 68-71, 74, 75, and 77 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over U.S. Patent No. 6,676,883 (the '883 patent) in view of U.S. Patent No. 6,489,387 to Mallya et al. ("Mallya").

Applicants' independent Claim 1 is patentably distinguishable from the cited claims of the '883 Patent. For example, amended Claim 1 recites "applying an aqueous solution or dispersion of a first thermoplastic epoxy resin on the outer surface of an article substrate by dip, spray, or flow coating, the aqueous solution of the first thermoplastic epoxy resin prepared by agitating a thermoplastic epoxy polymer in a solution of water with an organic acid or phosphoric acid." Amended Claim 1 also recites "curing/drying the coated article with an irradiation source for about 5 to 60 seconds." None of these claim limitations are disclosed by any of Claims 31, 32, and 34-38 of the '883 Patent. Nor are these claim limitations disclosed in the cited portion of Mallya. Thus, Claims 31, 32, and 34-38 and Mallya fail to teach or disclose, inter alia, all of the elements described in Claim 1.

Applicants' independent Claim 52 is patentably distinguishable from the cited claims of the '883 Patent. For example, Claim 52 recites "applying an aqueous solution or dispersion comprising a first thermoplastic epoxy resin and an organic or phosphoric acid on an outer surface of a body portion of the preform by dip coating, spray coating, flow coating, or combinations thereof" and "withdrawing the preform from the dip coating, spray coating, flow coating, or combinations thereof at a rate so as to form a first coherent film comprising an acid salt of the thermoplastic epoxy resin" None of these claim limitation are disclosed by any of Claims 31, 32, and 34-38 of the '883 Patent. Nor are these claim limitations disclosed in the

cited portion of Mallya. Thus, Claims 31, 32, and 34-38 and Mallya fail to teach or disclose, inter alia, all of the elements described in Claim 52.

Claims 4, 68-71, 74, 75, and 77 depend from Claims 1 and 52 and further define what is claimed in the independent Claims 1 and 52. Claims 4, 68-71, 74, 75, and 77 are patentably distinguished over the cited claims of the '883 patent and Mallya for at least the reasons set forth above with respect to Claim 1 and 52, as well as for novel and nonobvious features recited therein.

Response to Rejections Based on 35 U.S.C. § 103(a)

In paragraph 14 of the *Office Action*, the Examiner rejected Claims 1-7, 9-12, 14, 16, 17, 19, 52, 53, 55-79, and 80-95 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,393,106 to Maruhashi in view of U.S. Patent No. 5,472,753 to Farha and U.S. Patent No. 6,872,802 to Noda.

In paragraph 15 of the *Office Action*, the Examiner rejected Claims 1, 4, 68-71, 74, 75, and 77 under 35 U.S.C. § 103(a), as being unpatentable over Farha in view of Noda, and further in view of Mallya et al.

In paragraph 16 of the *Office Action*, the Examiner rejected Claims 8 and 13 under 35 U.S.C. § 103(a) as being unpatentable over Maruhashi in view of Farha and Noda, further in view of U.S. Patent No. 4,573,429 to Cobbs, Jr. et al ("Cobbs").

In paragraph 17 of the *Office Action*, the Examiner rejected Claims 10 and 12 under 35 U.S.C. § 103(a) in view of Farha and Noda, and further in view of U.S. Patent No. 4,505,951 to Kennedy.

In paragraph 18 of the *Office Action*, the Examiner rejected Claim 18 under 35 U.S.C. § 103(a) as being unpatentable over Maruhashi in view of Farha and Noda, and further in view of U.S. Patent No. 6,350,796 to Dworak et al ("Dworak").

In paragraph 19 of the *Office Action*, the Examiner rejected Claim 89 under 35 U.S.C. § 103(a) as being unpatentable over Maruhashi further in view of Farha and Noda, further in view of U.S. Patent No. 4,499,262 to Fagerburg et al ("Fagerburg").

In the preceding response, Applicants argued that these references were not properly combinable. Applicants maintain that the references do not present a prima facie case of

obviousness against the then pending claims and reserve the right to present those arguments again in later proceedings for this application or other continuing and/or related applications.

Applicants submit that all of the pending claims of the amended claim set include limitations not taught or suggested by the combination of any of the cited references and therefore are allowable.

Claim 1

Applicants submit that amended Claim 1 includes limitations not disclosed or suggested by the combination of any of the cited references. For example, all of Maruhashi, Farha, and Noda (the primary references) fail to disclose or suggest "applying an aqueous solution or dispersion of a first thermoplastic epoxy resin on the outer surface of an article substrate by dip, spray, or flow coating, the aqueous solution of the first thermoplastic epoxy resin prepared by agitating a thermoplastic epoxy polymer in a solution of water with an organic acid or phosphoric acid" as recited by amended Claim 1. As none of Maruhashi, Farha, and Noda teach or suggest this claimed limitation, amended Claim 1 is patentable over the cited references.

Moreover, Claim 1 also includes other limitations not taught or disclosed by the combination of the primary references. Applicants believe that the combination of steps of amended Claim 1, when considered as a whole, present a nonobvious combination of elements.

Claims 2, 3-6, 7-14, 16-19, 58-72 depend from Claim 1 and further define the invention of Claim 1. Thus, Claims 2, 3-6, 7-14, 16-19, 58-72 are also patentably distinguished over the cited references for at least the reasons set forth above with respect to Claim 1, as well as for other novel and nonobvious features recited therein.

Claim 52

Applicants submit that amended Claim 52 includes limitations not disclosed or suggested by the combination of any of the cited references. For example, all of Maruhashi, Farha, and Noda fail to disclose or suggest "applying an aqueous solution or dispersion comprising a first thermoplastic epoxy resin and an organic or phosphoric acid" as recited by amended Claim 1. Moreover, all of Maruhashi, Farha, and Noda fail to disclose or suggest "withdrawing the preform from the dip coating, spray coating, flow coating, or combinations thereof at a rate so as to form a first coherent film comprising an acid salt of the thermoplastic epoxy resin."

Moreover, Claim 52 also includes other limitations not taught or disclosed by the combination of the primary references. Applicants believe that the combination of steps of amended Claim 1, when considered as a whole, present a nonobvious combination of elements

Claims 53, 57, and 73-79 depend from Claim 52 and further define the invention of Claim 52. Thus, Claims 53, 57, and 73-79 are also patentably distinguished over the cited references for at least the reasons set forth above with respect to Claim 52, as well as for other novel and nonobvious features recited therein.

Claim 80

Applicants submit that amended Claim 80 includes limitations not disclosed or suggested by the combination of any of the cited references. For example, all of Maruhashi, Farha, and Noda (the primary references) fail to disclose or suggest "curing/drying the plurality of coated articles with an irradiation source for about 5 to 60 seconds to form a first coating layer on each article, the first coating layer comprising an acid salt of the first thermoplastic epoxy resin" as recited by amended Claim 80. As none of Maruhashi, Farha, and Noda teach or suggest these claimed limitations, amended Claim 80 is patentable over the cited references.

Moreover, Claim 80 also includes other limitations not taught or disclosed by the combination of the primary references. Applicants believe that the combination of steps of amended Claim 80, when considered as a whole, present a nonobvious combination of elements.

Claims 81-95 depend from Claim 80 and further define the invention of Claim 80. Thus, Claims 81-95 are also patentably distinguished over the cited references for at least the reasons set forth above with respect to Claim 80, as well as for other novel and nonobvious features recited therein

Conclusion

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding *Office Action* are inapplicable to the present claims. Any remarks in support of patentability of one claim should not be imputed to any other claim, even if similar terminology is used. Any remarks referring to only a portion of a claim should not be understood to base patentability on solely that portion; rather, patentability must rest on each claim taken as a whole. Applicants do not concede or acquiesce to any of the rejections in the *Office Action*. Applicants

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have previously presented arguments concerning whether many of the secondary references can be properly combined in view of the clearly missing elements noted, as well as for other reasons. Applicants reserve the right to later contest whether the references establish a prima facie case of nonobviousness. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' attorney in order to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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